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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: the Application of
Francisco Speich
Serial No.: 10/559,948
Filed: December 8, 2005
Title: LOOM

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SUBMISSION OF INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY TRANSLATION**

Sir:

Enclosed is the PCT Notification of Transmittal of Copies of Translation of the International Preliminary Report on Patentability dated March 16, 2006, pursuant to PCT Rule 72.2, along with the subject Translation of the International Preliminary Report on Patentability (Chapter I of the PCT).

Respectfully submitted,

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Date: April 25, 2006

GP:jf

Enclosures:

- PTC Notification
- Translation of International Preliminary Report on Patentability
- Return Postcard

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450** on: April 25, 2006

Signature

Jodie Frecker

Typed or printed name of person signing

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

To:

SCHMAUDER & PARTNER AG
Zwängiweg 7
CH-8038 Zürich
SUISSE

Schmauder & Partner AG
Patentanwälte

24. März 2006

Dankend erhalten
Received with thanks

Date of mailing (day/month/year) 23 March 2006 (23.03.2006)	
Applicant's or agent's file reference P-7300 02	IMPORTANT NOTIFICATION
International application No. PCT/CH2004/000337	International filing date (day/month/year) 03 June 2004 (03.06.2004)
Applicant TEXTILMA AG et al	

1. Transmittal of the translation to the applicant.



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Yolaine Cussac
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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference P-7300 02	FOR FURTHER ACTION		See item 4 below
International application No. PCT/CH2004/000337	International filing date (<i>day/month/year</i>) 03 June 2004 (03.06.2004)	Priority date (<i>day/month/year</i>) 12 June 2003 (12.06.2003)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant TEXTILMA AG			

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).		
2.	This REPORT consists of a total of 6 sheets, including this cover sheet.		
In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.			
3.	This report contains indications relating to the following items:		
	<input checked="" type="checkbox"/> Box No. I	Basis of the report	
	<input checked="" type="checkbox"/> Box No. II	Priority	
	<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	
	<input type="checkbox"/> Box No. IV	Lack of unity of invention	
	<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	
	<input type="checkbox"/> Box No. VI	Certain documents cited	
	<input type="checkbox"/> Box No. VII	Certain defects in the international application	
	<input type="checkbox"/> Box No. VIII	Certain observations on the international application	
4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).		

	Date of issuance of this report 16 March 2006 (16.03.2006)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Yolaine Cussac
Facsimile No. +41 22 740 14 35	Telephone No. +41 22 338 70 80

PATENT COOPERATION TREATY

Translation

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing
(day/month/year)

Applicant's or agent's file reference

P-7300 02

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/CH2004/000337

International filing date (day/month/year)

03.06.2004

Priority date (day/month/year)

12.06.2003

International Patent Classification (IPC) or both national classification and IPC

Applicant

TEXTILMA AG

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/CH2004/000337

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language
_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/CH2004/000337

Box No. II

Priority

1. ☒ The following document has not yet been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date in the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/CH2004/000337

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>1-22</u>	YES
	Claims	_____	NO
Inventive step (IS)	Claims	<u>1-22</u>	YES
	Claims	_____	NO
Industrial applicability (IA)	Claims	<u>1-22</u>	YES
	Claims	_____	NO

2. Citations and explanations:

The present report makes reference to the following document:

D1: WO 99/13145 A (TEXTILMA AG; SPEICH FRANCISCO (CH))
18 March 1999 (1999-03-18)

1.1 Document D1 is considered the closest prior art over the subject matter of claim 1. It discloses the preamble of claim 1.

1.2 The subject matter of claim 1 thus differs from the known loom in that a second lifting device, which is common to all warp threads, is provided in order to displace said warp threads from the first shedding position into a selection position, in which the first lifting device is active, and in order to displace non-selected warp threads in unison into the first shedding position by the pre-tensioning of said warp threads.

2.1 The problem to be solved by the present invention can thus be considered as that of simplifying the design of the shedding mechanism while maintaining a high operating speed.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/CH2004/000337

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

- 2.2 The proposed solution, particularly the use of a second lifting device in common, is neither known from nor suggested by the available prior art.
- 2.3 Therefore, the subject matter of claim 1 is novel (PCT Article 33(2)) and involves an inventive step (PCT Article 33(3)).
- 3.1 Claims 2-22 are dependent upon claim 1 and thus likewise satisfy the PCT requirements for novelty and inventive step.